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8 Attorneys for Defendant
 9 Quality Loan Service Corporation

10 UNITED STATES BANKRUPTCY COURT
 11 EASTERN DISTRICT OF CALIFORNIA
 12 SACRAMENTO DIVISION

13 In re:) Adversary Case No. 23-02111
 14)
 15 Ayanna Spikes,) BK Case No. 23-21965
 16)
 17 Debtor.) Chapter 7
 18)
 19 Ayanna Spikes,) DCN: JCW-1
 20)
 21 Plaintiff,) **DECLARATION OF BOUNLET**
 22 v.) **LOUVAN IN SUPPORT OF**
 23) **DEFENDANT'S MOTION FOR**
 24 Quality Loan Service Corp.,) **SUMMARY JUDGMENT**
 25 Breckenridge Property Fund 2016, LLC.,)
 26 Shellpoint Mortgage Servicing, ISN)
 27 Corporation, et al.,) Date: 01/22/2025
 28) Time: 10:00AM
) Ctrm: 35, 6th Floor
) Place: 501 I Street, Sacramento CA
)
)
) *Judge: Honorable Christopher M. Klein*

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1 I, Bounlet Louvan, declare and state as follows:

2
3 1. I am the Assistant Vice President and former Trustee's Sales Officer for
4 Quality Loan Service Corporation ("Quality"), the successor trustee of record that
5 processed and administered the foreclosure of the real property located at 7036 Cantel
6 Way, North Highlands, CA 95660 (hereinafter the "Subject Property") under Trustee's
7 Sale Number CA-22-943266-AB.

8 2. I am over the age of eighteen and authorized to make this Declaration. I have
9 been employed by Quality for 18 years. I routinely ensure non judicial foreclosures are
10 processed and completed in compliance with state statutes and civil code. I work closely
11 with Quality's legal department in addressing and handling of disputed foreclosures.

12 3. I am the person most knowledgeable of Quality's business records with
13 respect to the non-judicial foreclosure processes and procedures, both internally and
14 externally. Additionally, I manage and oversee the post foreclosure overbid process at
15 Quality since the enactment of Cal. Civ. Code §2924m. I am familiar with Quality's
16 website and systematically review Quality's website as part of my regular duties.

17 4. I also work and collaborate with IDSolutions, Inc., the entity that manages,
18 develops and maintains Quality's information technology. I was involved with the set up
19 and development of Quality's system after the enactment of Cal. Civil Code §2924m.

20 5. The facts set forth below me are known to me personally based on my review
21 of business records during the normal course of business and if called as a witness, I could
22 and would, testify competently, under oath to such facts. In my capacity Assistant Vice
23 President, I have access to Quality's records as they pertain to the foreclosure of the
24 Subject Property. I have examined the foreclosure file relating to the loan in detail
25 (hereinafter the "File") and relied on those business records pertaining to the File that is
26 the subject of this proceeding. The File is kept in the ordinary course of business.

27 6. I am familiar with Quality's methods of maintaining foreclosure files from
28 the time it acquires the file until the present. Entries documenting all interactions
pertaining to foreclosure on the Loan are to be made at, or near, the time of the

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1 interactions. The File for this Subject Property is consistently maintained in accordance
2 with the policy.

3 7. I know the facts herein to be true for my own knowledge or have gained
4 knowledge of them from the business records which were made at or near the time of the
5 acts, conditions, or events which they relate, and which are maintained in the ordinary
6 course of business by a person who had personal knowledge of the event being recorded
7 and had, or has, a business duty to record accurately such event. The business records
8 are available for inspection and copies can be submitted to the Court if the Court so
9 desires.

10 8. Quality was retained to commence foreclosure proceedings concerning a
11 Deed of Trust to the Subject Property executed by Ayana Spikes (the "Plaintiff"), in favor
12 of United Wholesale Mortgage, securing a promissory note in the principal amount of
\$285,729.00. A true and correct copy of the Deed of Trust is attached as **Exhibit A**.

13 9. In connection with the foreclosure, Quality obtained a title search for the
14 Subject Property, which revealed the following recorded document relating to the Deed
15 of Trust: Corporation Assignment of Deed of Trust. The Assignment of Deed of Trust
16 recorded on December 15, 2020, as Instrument 202012151985, and assigned interest in
17 the Subject Property from Mortgage Electronic Registration Systems, Inc. ("MERS"), as
18 Beneficiary, as Nominee for United Wholesale Mortgage, its Successors and Assigns, to
19 NewRez, LLC d/b/a Shellpoint Mortgage Servicing. A true and correct copy of the
20 Assignment is attached hereto as **Exhibit B**.

21 10. Quality was substituted as Trustee of the Deed of Trust by a Substitution of
22 Trustee executed by NewRez, LLC D/B/A Shellpoint Mortgage Servicing and recorded
23 with the Sacramento County Recorder's Office on February 8, 2023, as Instrument
24 Number 202302080003. A true and correct copy of the recorded Substitution of Trustee
25 is attached hereto as **Exhibit C**.

26 11. On February 14, 2023, Quality caused a Notice of Default and Election to
27 Sell Under Deed of Trust to be recorded with the Sacramento County Recorder's Office
28

as Instrument Number 202302140876. A true and correct copy of the Notice of Default is attached hereto as **Exhibit D**.

12. Quality issued a Notice of Trustee's Sale on May 17, 2023, which set a sale date for June 15, 2023. The Notice of Trustee's Sale was recorded with the Sacramento County Recorder's Office on May 17, 2023, as Instrument Number 202305170937. A true and correct copy of the recorded Notice of Trustee's Sale is attached hereto as **Exhibit E**.

13. The Notice of Trustee's Sale includes the following information:

- a. The date and time of sale is June 15, 2023 at 2:00PM;
- b. The address for the property to be sold was 7036 Cantel Way, North Highlands, CA 95660;
- c. Quality's assigned file number is TS NO: CA-22-943266-AB;
- d. Quality's mailing address was 2763 Camino Del Rio South, San Diego, CA 92108;
- e. The sale line phone number was 855-238-5118; and
- f. The internet website address for Quality was <http://www.qualityloan.com>.

14. Upon the recordation of the Notice of Trustee's sale, the information listed in (a)-(f) in Paragraph 13 is populated onto Quality's website and is readily available and accessible 24 hours a day, seven days a week at no cost to the public to view. Given my years of employment with Quality, I am readily familiar with Quality's website, Quality's process and procedures and what is posted on Quality's website relative to the foreclosure.

15. The website is continuously updated with additional information as the foreclosure progresses. As data is inputted into Quality's file management software, it automatically transmits to Quality's website and the information populates onto the webpage.

16. Nationwide Posting & Publication ("NPP") conducted a foreclosure sale on behalf of Quality on June 15, 2023 at 2:22PM. On June 15, 2023 at 3:00PM, NPP electronically transmitted to Quality the results of the sale. A copy of the Trustee's Sale Results as transmitted to Quality is attached hereto as **Exhibit F**.

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17. The sales information for the Subject Property was electronically and instantaneously posted to Quality's internet website of <http://www.qualityloan.com> on June 15, 2023 at 3:00PM. This practice routinely occurs on all completed foreclosure sales and is how Quality's system is set up and programmed to transmit the information to the website each and every time. The system is set up to transmit and post the sale information for this Subject Property to Quality's website in accordance with this practice.

18. At the time of the sale, Quality's system was not set up to routinely take screenshots of the webpage. However, based upon my knowledge of how the system is setup described above, I can confirm the webpage posted as part of Quality's normal and standard routine process. I am not aware of any instances in which the information did not post.

19. Quality's system is now set up to routinely take screenshots of the webpage at the completion of each sale.

20. The sale results on Quality's website are available and accessible 24 hours a day, seven days a week at no cost to the public to view and remains available for at least 45 days following the sale completion date in accordance with Cal. Civil Code §2924m(e)(4).

21. On June 6, 2024, I looked up Quality's assigned file number of CA-22-943266-AB and accessed Quality's website to review the posted sales information for this Subject Property. A screenshot of Quality's website for Trustee Sale Number CA-22-943266-AB captured on June 6, 2024, is attached hereto as **Exhibit G**.

22. This screenshot (Exhibit G) is an accurate reproduction of what posted on Quality's website after 3:00PM on June 15, 2023 other than the addition of the word "NO" that was subsequently added to convey that Quality had not received a Notice of Intent to Bid.

23. On June 15, 2023, at 3:00PM, Plaintiff filed for bankruptcy protection after the foreclosure sale completed. Notice of Bankruptcy Case Filing is attached hereto as **Exhibit H**.

1 24. The high and winning bidder was not a prospective owner occupant as
2 defined by Cal. Civ Code Civil §2924m(a)(1).

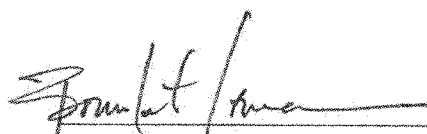
3 25. A Notice of Intent to Bid, as required under Cal. Civ. Code §2924m, was not
4 received by Quality on or before 5:00PM on June 30, 2023.

5 26. On July 3, 2023, Quality sent a signed Trustee's Deed Upon Sale in favor of
6 Breckenridge Property Fund 2016, LLC to Rodolfo Garcia, as the representative for
7 Breckenridge. A copy of the Trustee's Deed Upon Sale package sent to the high bidder
8 is attached hereto as **Exhibit I**.

9 27. On July 6, 2023, Quality distributed the \$320,00.00 purchase proceeds.
10 Quality sent \$270,562.91 to NewRez, LLC d/b/a/ Shellpoint Mortgage Servicing to
11 satisfy the underlying loan. Quality directed the surplus sale proceeds of \$49,437.09 to
12 the law firm of McCarthy & Holthus, LLP for processing as needed in accordance with
13 Cal. Civ. Code §2924j.

14 28. Upon information and belief, Plaintiff was awarded the surplus funds of
15 \$45,845.25.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct and that this Declaration and was executed on November
18 26, 2024, in San Diego, California.

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21 

22 Bounlet Louvan

23 Assistant Vice President for Defendant,
24 Quality Loan Service Corp.
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